

Message Text

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INFO OCT-01 CIAE-00 COME-00 DODE-00 NRC-05 NSAE-00 USIE-00

TRSE-00 EUR-12 ERDA-05 ISO-00 SSO-00 ERDE-00 /030 W

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FM USMISSION OECD PARIS

TO SECSTATE WASH DC IMMEDIATE 3190

C O N F I D E N T I A L SECTION 01 OF 02 OECD PARIS 24679

EXCON

E.O. 11652: XGDS1

TAGS: ESTC, COCOM

SUBJECT: COMPLIANCE STUDY: US DELEGATION'S COMMENTS

REF: (A) EARB COMPLIAHCE STUDY, (B) OECD PARIS
24205

1. U. S. DEL APPRECIATES OPPORTUNITY AFFORDED TO PROVIDE ITS COMMENTS ON COCOM ASPECTS OF EXTENSIVE NC COMPLIANCE STUDY REPORT. THE FOLLOWING COMMENTS SUPPLEMENT THOSE ALREADY OFFERED IN OECD PARIS 24205.

2. WE ARE IMPRESSED BY SCOPE AND CONTENT OF COMPLIANCE STUDY AND BY ITS EXTENSIVE DOCUMENTATION OF ENFORCEMENT AND COMPLIANCE PROBLEMS. WE BELIEVE, HOWEVER, THAT CERTAIN PARTS OF REPORT WILL BE CONSTRUED BY OTHER PC'S AS IMPUGNING THEIR DESIRE AND ABILITY TO COMPLY WITH COCOM ENFORCEMENT NORMS (E.G., THE ALLEGATIONS CONCERNING JAPAN ON PAGES 8L AND 82). REPORT'S PORTRAYAL OF OTHER MEMBERS' ENFORCEMENT CAPABILITIES AS INFERIOR TO U. S. APPARATUS ALSO MAY EVOKE UNHELPFUL RESENTMENT. WHILE SPECIFIC DETAILS REGARDING DOMESTIC AND INTERNATIONAL COMPLIANCE ARE ESSENTIAL TO REPORT'S DOMESTIC PURPOSE, PRESENTING SUCH DETAILS TO COCOM COULD PROVE EMBARRASSING TO BOTH THE UNITED STATES AND OUR COCOM PARTNERS AND COULD BE DISTRACTIVE FACTOR IN
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SUBCOMMITTEE DISCUSSIONS. DEL WOULD THEREFORE RECOMMEND

THAT ONLY SUMMARY VERSION OF COMPLIANCE STUDY CLEANSED
OF SPECIFIC ALLEGATIONS BE PRESENTED AT SUB-
COMMITTEE MEETING. DETAILS COULD BE INTRODUCED IN THE
COURSE OF DISCUSSION WHERE CONSIDERED APPROPRIATE.

3. WE AGREE THAT COMPLIANCE PROBLEMS SHOULD BE KEY
ELEMENT ON AGENDA OF EXPORT CONTROL SUBCOMMITTEE MEETING
AND THAT U. S. SHOULD PURSUE ALL APPROPRIATE OPPORTUNI-
TIES TO PRESS OTHER COCOM MEMBERS FOR MORE ACTIVE ADMIN-
ISTRATION OF THEIR RESPECTIVE ENFORCEMENT PROGRAMS. WE
DOUBT, HOWEVER, THAT ELEVATING LEVEL OF NATIONAL REPRE-
SENTATION AT MEETING WOULD SERVE ANY USEFUL PURPOSE,
UNLESS U. S. IS PLANNING TO TABLE AND DISCUSS SPECIFIC
EMEDIAL MEASURES WHICH WOULD REQUIRE HIGH LEVEL CON-
SIDERATION. TECHNICAL NATURE OF PREVIOUS SUBCOMMITTEE
MEETINGS AND OF MAJORITY OF ISSUES ON CURRENT SUB-
COMMITTEE AGENDA ARE DISSUASIVE OF HIGH LEVEL NATIONAL
PARTICIPATION. WE ALSO NOTE SHORT TIME LEFT FOR
BILATERAL DISCUSSION OF ENFORCEMENT ISSUES PRIOR TO
MEETING AND DOUBT THAT SUCH APPROACHES COULD NOW BE
PRODUCTIVE. IF, HOWEVER, U. S. WISHES TO CONVINCE
OTHER MEMBERS TO SEND HIGHER LEVEL OFFICIALS, OR TO
DISCUSS BILATERALLY SPECIFIC REMEDIAL PROPOSALS THAT
ARE TO BE PRESENTED AT THE MEETING, IT SHOULD ISSUE
INSTRUCTIONS FOR SUCH APPROACHES IMMEDIATELY.

4. U. S. DEL IS ALSO TROUBLED BY REPORT'S CONCLUSION
THAT U. S. CANNOT REALISTICALLY EXPECT OTHER COCOM MEM-

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BERS TO ACCEPT TIGHTER OR MORE DEFINITIVE MULTILATERAL COMPLIANCE MEASURES. REPORT STRONGLY INDICATES THAT PRESENT INTERNATIONAL PROCEDURES AND OTHER PCS' NATIONAL ENFORCEMENT APPARATUS ARE INADEQUATE TO COPE WITH COMPLIANCE PROBLEMS. CONCLUSIONS 3 AND 4 ON PAGE 95 OF REPORT APPEAR TO RENOUNCE IN ADVANCE THE POSSIBILITY OF INTERNATIONALIZING COMPLIANCE AND TO RECOMMEND THAT US RELY PRIMARILY ON THESE EXISTING INADEQUATE CONTROLS SUPPLEMENTED BY U. S. INTELLIGENCE AND BY CLOSER COOPERATION AMONG THE VARIOUS ENFORCEMENT AGENCIES. SUCH AN APPROACH APPEARS TO US DEL AS SECOND BEST AND DEL IS DOUBTFUL IT WOULD SERVE TO UPGRADE ENFORCEMENT CAPABILITIES OF OTHER MEMBER COUNTRIES. THIS APPROACH ALSO OVERLOOKS PROBLEMS POSED BY BUCY AND OTHER REPORTS REGARDING CONTROL OVER REEXPORTATION OF ITEMS FROM THIRD COUNTRIES. WE BELIEVE THAT EFFORT AT NEGOTIATING MORE EFFECTIVE INTERNATIONAL CONTROLS MIGHT BE WORTHWHILE AND SUGGEST THAT U. S. USE OCCASION OF SUBCOMMITTEE MEETING (1) TO CONVINCE OTHER PC'S OF NATURE AND SCOPE OF COMPLIANCE PROBLEM AND NEED FOR REMEDIAL ACTION AND (2) TO SUBMIT SPECIFIC REMEDIAL PROPOSALS FOR CONSIDERATION AND DISCUSSION AT APPROPRIATE LATER DATE.

5. U. S. DEL ALSO BELIEVES THAT ONE METHOD OF OBTAINING GREATER COOPERATION BETWEEN ENFORCEMENT AGENCIES IN VARIOUS PARTICIPATING COUNTRIES WOULD BE TO PROVIDE FOR CONFIDENTIAL

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MORE FREQUENT MEETINGS OF EXPORT CONTROL SUBCOMMITTEE. MEETINGS EVERY TWO OR THREE YEARS APPEAR TO DOWNGRADE SIGNIFICANCE OF FORMALIZED INTERNATIONAL CONTACTS IN THIS AREA AND ALLOW RELATIONSHIPS CREATED DURING ONE MEETING TO GROW STALE BY THE NEXT. WE BELIEVE A MEETING ONCE OR EVEN TWICE A YEAR WOULD PROMOTE ACHIEVEMENT OF THE PURPOSES DECLARED IN THE REPORT.

6. FINALLY, WE SUGGEST THAT REFERENCE BE MADE IN SECTION (E)(3) OF THE INTERNAL VERSION TO THE SIGNIFICANT ROLE OF THIS DELEGATION IN DISCUSSING COMPLIANCE ISSUES BILATERALLY WITH OTHER CONCERNED DELEGATIONS AND ATTEMPTING TO RESOLVE DIFFERENCES IN INTERPRETATIONS OF THE EMBARGO. THE RECENT NC MACHINE TOOL TALKS WERE AN EXAMPLE.
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